

REMARKS

Claims 1-22 are pending in this application. Claims 1, 16, and 19 are the independent claims. Favorable reconsideration of this application, in light of the following remarks, is respectfully requested. **No new matter has been added.**

Statement Under 37 C.F.R. §1.133(b)

In response to the telephonic interview conducted on February 2, 2010, Applicants wish to thank Supervisor Hutton for the courtesies extended during the interview. Applicants submit the following discussion to provide a complete record of the issues discussed during the Examiner Interview.

Applicants and the Supervisor discussed the feature, inter alia, "requesting a client to provide a client identifier during a communication with the client through a communication link, the client identifier corresponding with a financial record in a database... linking the audio file to the financial record" as recited by independent claim 1. Applicants argued that Shimada teaches storing a recorded conversation which is linked to a transaction record by a transaction number.

Applicants argued that Fig. 8 of Shimada shows the transaction record includes the transaction number to the type of transaction completed, the amount of money transferred, the operators name and the current state of the transaction. Applicants argued that the transaction record as taught by Shimada is not a financial record. Specifically, Applicants argued Shimada fails to teach where "the client identifier corresponding with a financial record" as recited by independent claim 1. The Applicants argued the transaction number as disclosed by Shimada is an indication of the order the bank completed a transaction, **not** an identifier of a client .

The Supervisor argued that Shimada teaches a system that records and stores a voice password. The Supervisor uses the voice password of Shimada to teach the claimed "audio file" and Fig. 7 of Shimada to disclose the "financial record" as recited in claim 1. The Supervisor believes that the voice password as taught by Shimada is linked to a the customer's basic information, which would be inherently linked to the customer's financial record. Thus, the Supervisor believes that a reasonable interpretation of Shimada discloses elements as recited by independent claim 1.

The Supervisor would not agree to any amendments. However, Applicants continue to disagree with the Supervisor's interpretation of Shimada as shown below. No other pertinent matters were discussed.

Rejections under 35 U.S.C. §102

Claims 1-2, 8, 13-16, and 18-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Shimada et al. (US 6,369,919). This rejection is respectfully traversed.

Claim 1 recites, inter alia, "linking the audio file to the financial record." At least this feature is not anticipated by Shimada.

Shimada discloses a telephone transaction support system that includes a customer information registration unit for registering information regarding a customer database and an analyzing unit for analyzing voice features. In Shimada, after a customer has registered with the system an operator requests that the customer input a voice password to identify the customer. When the customer speaks the password a control unit records the voice data. After the password information has been obtained the control unit connects with a database to link the voice password with the customers information through a customer number. (Col. 8 lines 50-68 and Col. 9 lines 1-20). Specifically, the customer's basic information is disclosed in Fig. 7

of Shimada. Fig. 7 of Shimada discloses that the customer's basic information includes the customer number, the customer's telephone number, name, birthday. The Examiner uses the recorded voice password of Shimada to disclose "the audio file" as recited in independent claim 1.

The Examiner incorrectly believes the customer's information is inherently linked to a financial record. However, MPEP §2112 states "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Thus, the Examiner will bear the burden to show why the voice password would be inherently linked to a financial record and not merely to customer information as illustrated in Fig. 7 of Shimada. Accordingly, Applicants submit that the Examiner has not meet the standard of proof required in regards to independent claim 1.

Claim 2 recites, inter alia, "the step of linking the audio file to the financial record comprises storing a pointer to the audio file in a field of the financial record." At least this feature is not anticipated or rendered obvious by Shimada.

In the Final office Action mailed on November 12, 2009, the Examiner cites to multiple embodiments within Shimada as disclosing different parts of dependent claim 2. It is well known in that "[u]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claims and, thus, cannot anticipate under 35 U.S.C. 102 (*Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359 Fed. Cir. 2008)." The Examiner has not met this burden.

The Examiner uses two different embodiments to allegedly disclose the elements of independent claim 1.

For example, the Examiner alleges that Col. 8, lines 51-67 (referencing Fig. 7) disclose "accessing the financial record in the data base using the client identifier" as recited by claim 1. However, the Examiner also alleges that Col. 13 lines 36-67 and Fig. 8 teaches "the step of linking the audio file to the financial record comprises storing a pointer to the audio file in a field of the financial record" as recited by dependent claim 2.

However, Fig. 7 and Fig. 8 of Shimada are directed towards different embodiments. Fig. 7 of Shimada is directed towards basic customer information that can be obtained after a voice password has been confirmed. Fig. 8 of Shimada is directed towards a transaction record that is linked to a bank transaction number. Additionally, the customer information record as disclosed in Fig. 7 is **not** linked to the transaction record as disclosed in Fig. 8.

Therefore, no single embodiment of Shimada discloses or suggests "linking the audio file to the financial record comprises storing a pointer to the audio file in a field of the financial record" as recited by dependent claim 2.

In view of the above, Applicants submit independent claim 1 is allowable. Applicants respectfully submit that independent claims 16 and 19 are allowable for at least somewhat similar reasons as state above with respect to claim 1 and on their own merits. Additionally, Applicants submit claim 2 is allowable at least for depending from an allowable base claim and for the reasons state above. Furthermore, Applicants respectfully submit that dependent claims 8, 13-16 and 18-22 are allowable at least by virtue of their dependency from allowable base claims.

Therefore, Applicants respectfully request that his art ground of rejection of these claims under 35 U.S.C §102 be withdrawn.

Rejections under 35 U.S.C. §103

Claims 3-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shimada et al. (US 6,396,919) as applied to claim 1, and further in view of DeMartin et al. (US 6,226,672) and Dockes et al. (US 5,974,004). This rejection is respectfully traversed.

Applicants respectfully submit that dependent claims 3 and 4 are allowable at least for depending on an allowable base claim. Further, Applicants submit that any combination of DeMartin and Dockets fails to cure the deficiencies as discussed above regarding Shimada. Therefore, claims 3 and 4 are allowable over any combination of cited art. For at least this reason, this rejection should be withdrawn.

Rejections under 35 U.S.C. §103

Claims 5 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shimada et al. (US 6,396,919) as applied to claim 1, and further in view of Kelly et al. (US 6,047,292). This rejection is respectfully traversed.

Applicants respectfully submit that dependent claims 5 and 10 are allowable at least for depending on an allowable base claim. Further, Applicants submit that Kelly fails to cure the deficiencies as discussed above regarding Shimada. Therefore, claims 5 and 10 are allowable over any combination of cited art. For at least this reason, this rejection should be withdrawn.

Rejections under 35 U.S.C. §103

Claims 6, 9, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shimada et al. (US 6,396,919) as applied to claim 1, and further in view of Dockes et al. (US 5,974,004). This rejection is respectfully traversed.

Applicants respectfully submit that dependent claims 6, 9 and 11 are allowable at least for depending on an allowable base claim. Further, Applicants submit that Dockes fails to cure the deficiencies as discussed above regarding Shimada. Therefore, claims 6, 9 and 11 are allowable over any combination of cited art. For at least this reason, this rejection should be withdrawn.

Rejections under 35 U.S.C. §103

Claims 7 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shimada et al. (US 6,396,919) as applied to claim 1, and further in view of Akagiri (US 5,491,481). This rejection is respectfully traversed.

Applicants respectfully submit that dependent claims 7 and 12 are allowable at least for depending on an allowable base claim. Further, Applicants submit that Akagiri fails to cure the deficiencies as discussed above regarding Shimada. Therefore, claims 7 and 12 are allowable over any combination of cited art. For at least this reason, this rejection should be withdrawn.

Rejections under 35 U.S.C. §103

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shimada et al. (US 6,396,919) as applied to claim 1, and further in view of Cannon et al. (US 6,430,270). This rejection is respectfully traversed.

Applicants respectfully submit that dependent claim 17 is allowable at least for depending on an allowable base claim. Further, Applicants submit that Cannon fails

to cure the deficiencies as discussed above regarding Shimada. Therefore, 17 is allowable over any combination of cited art. For at least this reason, this rejection should be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

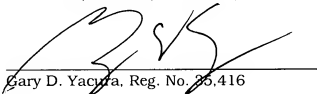
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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